IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

MFA.No. 247 of 2000(A)

I.C.4/1996 OF EI COURT, IDUKKI
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APPELLANT/APPLICANT BEFORE THE E.I.COURT:

JOSI JACOB,W/O.LATE P.K.JACOB,
PREMIER WOOD PRODUCTS,
NO.3, MINI INDUSTRIAL ESTATE,
AYMANAM, VIA KOTTAYAM.

BY ADV. SRI.JOSEPH MARKOSE

RESPONDENTS:

1.THE ASSISTANT REGIONAL DIRECTOR, REGIONAL OFFICE,
EMPLOYEES' STATE INSURANCE CORPORATION,
PUNCH DEEP BHAVAN, NORTH SWARAJ ROUND,
THRISSUR.

2.THE DEPUTY TAHSILDAR (R.R.),
KOTTAYAM.

BY ADV. SMT.T.D.RAJALAKSHMY, SC, ESI CORPN. FOR R1

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & V.GIRI, JJ.

M.F.A.NO.247 OF 2000

Dated 1st August, 2006

JUDGMENT

Koshy, J.

Insurance Inspector inspected the establishment of the appellant on 24.9.1992 and thereafter on 25.6.1993, 28.7.1993 and 11.4.1994 and found that 13 persons were employed in the establishment and therefore coverage under the E.S.I. Act was fixed provisionally from 24.9.1992. On that basis, contributions were demanded. It was contended that the establishment was run by husband of the 1st appellant P.K.Jacob. He was not well and on most of the above days, establishment was closed down. As per the muster rolls, establishment never employed more than 10 persons and roll shows the names of eight persons. Therefore against the demand, appellant approached the Insurance court. Insurance court on the basis of evidence found that Inspector's report was correct. It was also noticed that Inspector on inspection found that more than 10 persons were actually

working in the establishment. It is well settled law that casual employees as well as the employees working on contract basis or by or through a contractor are covered under the E.S.I. Act. Court also found that if the ledger was produced, the number of employees whom wages were paid could have been easily ascertained. As a finding of fact, E.I.court found that establishment employed more than 10 workers on the date of inspection and is a covered establishment and upheld the demands. It is based on finding of fact and the appeal is maintainable only if there is substantial question of law. We see no ground to interfere in the order and hence this appeal is dismissed.

J.B.KOSHY, JUDGE

V.GIRI, JUDGE

prp

J.B.KOSHY & V.GIRI, JJ.

M.F.A.NO.247 OF 2000

JUDGMENT

Dated 1st August, 2006